

Approved 02.02.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 26, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Russ Fox, Assistant City Manager; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

Study Meeting

[6:01:22 PM](#)

1.0 Presentation: Water Supply and Capital Improvements for Jordan Valley Water Conservancy District

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1.1 Alan Packard and Matt Olsen, Jordan Valley Water Conservancy District (JVWCD), updated the Council on the status of the JVWCD. The update included information about a new water supply (Central Water Project), Capital Improvements Program, and Water Conservation progress and Initiatives.

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2.0 Discussion: General Plan

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2.1 Keith Morey, Community Development Director, displayed a map for the Council that the consultants put together for the General Plan update. The City Council and Planning Commission will have a joint meeting on February 16, 2016, to discuss the map. It would be helpful if the Council came prepared to address the various areas with their vision for the future.

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3.0 Council/Manager Reports

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3.1 Councilmember Rappleye stated he had a neighbor email him about a concern with the storm water agreement on the agenda tonight. He feels there should be a limit to how long the water can be shut off. Glade Robbins, Public Works Director, noted that is not a real concern for the City because there is not a plan to shut off the water.

Councilmember Rappleye then noted there have been some concerns expressed about the winter parking in the Stone Canyon area. John Eining, Deputy Police Chief, indicated the Police Department has contacted many of the residents up there, and they will continue to work with the neighbors in terms of on-street parking.

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3.2 Councilmember Summerhays said there is a hole in the ground at 600 East and 12450 South that is full of water. Mr. Morey explained it is the Bright Living project. Keith Collier, City Building Official, went out to look at it. There is no standing water in the hole; however, there is mud. The contractor has a footings and foundation permit, and staff is watching it to make sure they do not pour the footings or foundation until they have the mud cleared out or it dries out. The City is watching it very carefully.

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3.3 Mayor Walker advised he has had a number of residents contact him in reference to winter parking tickets on Rambling Road. One of the neighbors said they received a ticket for parking in their own driveway. Deputy Chief Eining explained the officers try to contact the vehicle owners to have the vehicles removed from the street prior to issuing a citation. He said he cannot see any of the officers writing a citation for parking anywhere other than on the street.

Mayor Walker then updated those present on the point of the mountain planning meetings he has attended. Envision Utah would like to get a State funded grant to do a study for the development of the point of the mountain area in Salt Lake and Utah Counties. The study will cost approximately \$600,000. Envision Utah is going to try to get \$335,000 from the State and the Cities would pay the rest. Envision Utah is very good at stakeholder relations and bringing all of the stakeholders into the discussion. This study would include development, infrastructure, mass transit, roads, etc. It will be a good process, and the potential for this area is huge.

Business Meeting

[7:04:44 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 The prayer was offered by Lincoln Packer.

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2.2 Brady Carman, Scout Troop #4390, led the Pledge of Allegiance.

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3.0 Presentation: Proposed Legislation Regarding Electronic Cigarettes

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3.1 Cade Hyde, Student Body President for Davis High School and Chair of the Students Against Electronic Vaping Coalition, reviewed proposed legislation regarding electronic cigarettes. Their goal is to have electronic cigarettes designated as a tobacco product and to have them treated as such. He asked the Council to contact their local legislators to let them know Draper supports this bill.

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3.2 Councilmember Rappleye commended the group for their efforts. He indicated he has been trying to promote regulations regarding the electronic cigarettes for a couple of years. He stated that having a young group like this promoting this issue will help.

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4.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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4.1 Rochelle Baugh, resident, stated there is a substance abuse recovery home going into her neighborhood. She recognized that the Federal government has a lot of pull in terms of regulating these uses, but this is a very residential neighborhood. There is a lot at stake with this home going in on Summer Harvest Drive.

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4.2 David Petersen, resident, spoke against the treatment home that is going into his neighborhood. This use will increase traffic, affect the safety of children, and cause noise disruption. He said allowing a business in a residential neighborhood is ridiculous. He asked the City Council to do whatever they can to limit this use. He expressed a need to work with the Federal representatives to make changes to the law. He said he is a medical doctor, and he does not understand how substance abuse is classified as a disability.

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4.3 Ken Warnick, resident, spoke against the addiction recovery facility in his neighborhood. He expressed concern that the City is allowing a proliferation of these facilities into the neighborhoods. Other Cities have ordinances that define family sizes, and have restrictions on the distances between these uses. He asked what Draper City is doing in terms of this issue. He said he knows there has been some discussion relative to this problem. This facility is next door to his home, and his daughter and grandchildren live on the other side of the facility. He also has another daughter and granddaughter that live within eight houses of the business. Addiction recovery is a challenge, and it also brings an element into this area that is a potentially harmful situation. He asked the Council for their consideration to put ordinances in place to help limit this use.

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4.4 Steve Kapsimalis, resident, requested a moratorium be placed on these substance abuse recovery uses until the City can approve an ordinance to limit them. There are other Cities that have ordinances in place that preclude these things from going in at the frequency they are going in here in Draper.

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4.5 Mayor Walker noted the concerns of the neighbors are not new to the Council. These are all issues that are looked at by the elected officials. However, the City is obligated to follow the laws of the State and of the United States. The City is currently involved in litigation with this specific issue. The analysis on the law and what is legal and what is not is being done vigorously by this City as well as cities across the country. He expressed appreciation for the concerns expressed this evening.

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5.0 Consent Items

- a. **Approval of January 12, 2016, City Council Minutes**
- b. **Approval of Agreement #16-02, Assessment-in-Lieu of Improvements with Pierre DeKlerk**
- c. **Approval of an Easement Agreement with Rocky Mountain Power at Steep Mountain Park for the T-Mobile equipment shelter**
- d. **Approval of Fox Landing Phase One Final Plat**
- e. **Approval of Resolution #16-06, Reappointing Todd Shoemaker to the Historic Preservation Commission**

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5.1 Councilmember Rappleye moved to approve the consent items. Councilmember Summerhays seconded the motion.

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5.2 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

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6.0 Action Item: Dowland Subdivision Zone Change, Request for Approval of a Zone Change from RA1 to RA2 on 1.34 Acres Located Generally at 1081 East 13400 South

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6.1 Mr. Morey noted this item was on the agenda at the last Council meeting, and the Council wanted more time to consider the request. He displayed an aerial map of the parcel as well as the Zoning Map. The request is to rezone 1.34 acres from RA1 to RA2.

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6.2 Councilmember Summerhays moved to approve the Dowland Zone Change request. Councilmember Weeks seconded the motion.

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6.3 Councilmember Summerhays advised he was on the Planning Commission in the 1990s and in the summer of 1992 the Planning Commission and City Council had a retreat where they discussed density related issues. He reviewed the density of the various subdivisions that were identified during this time. He said he has done a lot of study on this issue.

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6.4 Councilmember Weeks noted she looked at 13400 South and how the acreage is split up. She advised she likes the one-acre lots, and she likes the areas with the larger lots. She does understand the concerns of the neighbors. However, she has determined this request fits the area, which is why she seconded the motion.

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6.5 Councilmember Vawdrey said there are a lot of compelling arguments on both sides of this issue. She has listened carefully, and she is really conscious of the character of this neighborhood. She wants it to remain; however, in looking at the map of the area, most of the surrounding lots are smaller than one-acre which is a significant issue.

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6.6 Councilmember Rappleve advised this is a difficult issue, and it became a concern during the last election. People were asking for a moratorium on development. As he has looked at the area and listened to previous comments, he has come to the conclusion that this area is different. The City does need to look at preserving what is over there. He is not against development, but 13400 South is a unique street as it is a dead end on both ends. Widening this street is not even on the Capital Improvement Project (CIP) list due to the cost involved with obtaining right-of-way. Most of the neighbors in this area are adamant that they do not even want that road cut through.

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6.7 Councilmember Stenquist noted the Master Plan supports this rezone. Parcels over half acre are still very big lots. He understands that some people appreciate one-acre lots and there is a neighborhood feel there. However, along the 13400 South corridor, half-acre or two-third acre lots are not out of character for that area. They are still classified as low density. Councilmember Stenquist indicated he would like to see this street on the CIP list soon because the traffic needs dictate that it should be done as soon as possible. He advised that the Lone Peak Lane and Country Lane areas are a different story in terms of lot sizes. This application is still low density, which fits with the plan for the area. He does not see any justification to deny this request.

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6.8 A roll call vote was taken with Councilmembers Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. Councilmember Rappleye voted no. The motion passed with a majority vote of 4 to 1.

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7.0 Public Hearing: Ordinance #1185, Request for Approval of a Text Amendment to Section 9-3-040 and Table 9-10-1 of the Draper City Municipal Code Pertaining to Beekeeping Regulations

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7.1 Mr. Morey noted the Council heard this request at the last meeting; however, the exhibits were not identified in the ordinance that was approved. This action is to include those exhibits in the City Code.

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7.2 Councilmember Rappleye stated there are some changes being proposed at the State level. He questioned whether those were taken into account with this request. Mr. Morey explained no one knows what those changes will be, so they were not included.

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7.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

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7.4 Councilmember Vawdrey moved to approve Ordinance #1185. Councilmember Rappleye seconded the motion.

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7.5 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

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8.0 Action Item: Agreement #16-10, Draper City Master Utility Agreement with Utah Department of Transportation for the Bangerter Highway and 600 West Interchange Project

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8.1 Glade Robbins, Public Works Director, explained the Utah Department of Transportation (UDOT) is in the process of selecting a design/build consultant for the Bangerter Highway 600 West Project. This agreement is the Master Utility Agreement, which identifies the responsibilities between UDOT, Draper City, and the consultant. The plan is to award the contract in March, and the construction will take place this summer and part of next summer.

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8.2 Councilmember Stenquist moved to approve Agreement #16-10, Master Utility Agreement with the Utah Department of Transportation. Councilmember Weeks seconded the motion.

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8.3 Councilmember Summerhays asked whether they are still planning to widen Bangerter to 12300 South. Mr. Robbins indicated that will be completed as part of the Point Project. That phase will take place this summer and should be completed by next fall.

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8.4 Councilmember Rappleye noted he attended the Transportation Committee Meeting last Friday, and one of the things he brought up was messaging. UDOT has promised to do a better job with the noticing the residents and businesses in terms of road closures and traffic interruptions.

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8.5 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[7:42:45 PM](#)

9.0 Action Item: Ordinance #1186, Amending the Draper City Municipal Code Section 3-1-250 Pertaining to the Draper City Youth Council Advisory Board Members

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9.1 Russ Fox, Assistant City Manager, indicated this is a simple change to the ordinance. The current Code states that a City staff member would be a boardmember. There is a conflicting provision in the Code that states that boardmembers and committee members are not paid. The City recently hired a part-time employee to work with the Youth Council Advisory Board, so she cannot be appointed as a member. None of the other boards and commissions have a staff member appointed to them. The other change is to allow the boardmembers to appoint the senior advisor rather than have the Mayor do that.

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9.2 Councilmember Weeks moved to approve Ordinance #1186. Councilmember Rappleye seconded the motion.

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9.3 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[7:45:14 PM](#)

10.0 Council/Manager Reports (Continued)

[7:45:19 PM](#)

10.1 Councilmember Stenquist stated he supports the legislation regarding electronic cigarettes. He is interested in bringing this back to the Council for approval. Councilmember Rappleye agreed.

Mr. Dobbins noted it will be placed on the agenda for next week's meeting.

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10.2 Councilmember Vawdrey asked when the Council will discuss the \$75,000 for the Andy Ballard Arena events.

Mr. Dobbins indicated that was the first item on his list. He asked whether the Council is willing to spend part of the funds allotted to the Andy Ballard Arena to bring in special events.

Mayor Walker clarified that \$275,000 was appropriated to the Andy Ballard Arena. The Equestrian Board is interested in using some of the funds to bring in special events.

Mr. Dobbins stated that is correct. The Board would like to hold some events this year, and they need to start making those plans right now. They feel that the \$75,000 was set aside for that purpose.

Councilmember Summerhays said that is what he remembers the \$75,000 would be used for. The \$200,000 would be used for parking improvements at the Arena.

Councilmember Rappleye noted in his research and in speaking with others, the \$75,000 was proposed to be used as a "seed fund" to bring in the events and hopefully the money would be recouped. They do need to be sensitive to the neighbors in terms of the noise from the events.

Councilmember Stenquist advised he does not think they discussed any of this money being used for events. He thought they were setting aside funds that could be used for improvements to the arena. He has never known of the City putting money towards the support of a private entity putting on an event in Draper other than for Draper Days.

Councilmember Vawdrey said it is her understanding that the reason they created the Equestrian Center Advisory Board was to find events for the area to help fund improvements for the area. She questioned how this could happen if there is no money to help bring in the events.

Councilmember Stenquist asked for clarification about who is putting on the events and how much money they plan to make back with the events.

Councilmember Vawdrey agreed that those things need to be defined. The Board needs to know what they need to do to move forward.

Councilmember Weeks indicated she is new to this process so she is just observing and learning. She understands both sides of the issue. It would be fun to have more events here in Draper at the rodeo grounds, but she also understands Councilmember Stenquist's concerns.

Mayor Walker asked who was in favor of allowing the \$75,000 to be used for events. Councilmembers Summerhays, Vawdrey, and Rappleye were in favor of supporting the events.

Mr. Dobbins advised he will have the Equestrian Board make a presentation to the Council in terms of what events they want to bring in as well as how much the events will cost. The Council can then decide whether they want to approve the events.

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10.3 Mr. Fox advised the City has had a few discussions with the Division of Wildlife Resources (DWR) in reference to the deer issue. There are a few cities who have participated in a State program that is designed to take care of the deer problem in the area. They hold an archery hunt throughout the year, and Highland and Bountiful participate. They take the deer meat and donate it to the homeless shelter. It is not an immediate remedy; however, it does help. The DWR is willing to come and make a presentation to the City Council in reference to their program.

Councilmember Stenquist said he would like to have them make a presentation.

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10.4 Deputy Chief Eining stated the Police Department will be hosting a farewell reception for Marge Koch on February 11th at 2:00 p.m. They are also holding the Annual Awards Ceremony for the Police Department on February 18th.

[8:00:41 PM](#)

11.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual

[8:00:45 PM](#)

11.1 Councilmember Vawdrey moved to adjourn to a closed-door meeting to discuss litigation and property acquisition. Councilmember Rappleye seconded the motion.

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11.2 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

11.3 The meeting adjourned at 8:01 p.m.